



U. S. Department of Justice

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NEWS RELEASE

FOR IMMEDIATE RELEASE:
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WILMINGTON MAN IS SENTENCED FOLLOWING HIS CONVICTION OF A FEDERAL CHILD PORNOGRAPHY OFFENSE

RALEIGH - Frank D. Whitney, United States Attorney for the Eastern District of North Carolina, and Alice S. Fisher, Assistant Attorney General of the Criminal Division, United States Department of Justice announced today that **BILLY FRANKLIN CAPPS, JR.**, 47, of Wilmington, N. C., was sentenced in federal court in Raleigh today. U. S. District Judge James C. Dever, III imposed a sentence of 72 months imprisonment, 10 years supervised release, and ordered **CAPPS** to pay \$61,910 in restitution in lieu of a fine.

CAPPS' sentence was based on his previous plea of guilty to one count of Transportation of Child Pornography in violation of Title 18, United States Code, Section 2252, which took place on June 20, 2005.

The defendant's plea, and subsequent sentence, stemmed from the government's allegations that the images transported by **CAPPS**, which depicted a 10-year-old minor victim partially clothed in suggestive clothing and placed in several unnatural positions emphasizing her genitalia, portrayed a lascivious exhibition of the minor victim's genitals or pubic area, and thereby constituted

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images of child pornography. **CAPPS** admitted that he transported image files containing child pornography in interstate commerce by means of a computer in that he placed such images on a child modeling website located in another state.

The charges were investigated by the Federal Bureau of Investigation, Wilmington, North Carolina field office, based on information provided by the New Hanover County Sheriff's Office, Wilmington, North Carolina.

This case was prosecuted by Assistant United States Attorney Thomas B. Murphy of the Eastern District of North Carolina and Trial Attorney Jennifer Toritto Leonardo of the Department of Justice Child Exploitation and Obscenity Section.

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